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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,612	03/14/2000	Scott Graham	30096.00001	8732

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CONNOLLY BOVE LODGE & HUTZ LLP  
SUITE 800  
1990 M STREET NW  
WASHINGTON, DC 20036-3425

EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/19/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/524,612

Applicant(s)

GRAHAM, SCOTT

Examiner

Gary K Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's remarks with respect to the restriction requirement are noted. Upon the allowance of claim 1, method claims 10-15 would be rejoined at that time.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the self-service car/vehicle wash and the brush removably mounted thereto must be shown or the feature(s) canceled from the claim(s). No removable connection to a car wash has been shown. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 1744

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, use of "associated" is vague. Is the mitt coupled with the brush or not? Such is especially confusing since claim 16 sets forth a brush comprising the mitt of claim 1. If claim 1 is the combination, then what is claim 16 setting forth? In view of such, claim 1 has been treated as the subcombination of just the mitt while claim 16 has been treated as the combination. Clarification is requested.

In claim 17, line 1 appears somewhat confusing. It is unclear how a brush mounted to a car wash can be comprised of a cover adapted to fit over said brush. If the cover is what constitutes the brush, how can it be adapted to fit over itself? Clarification is requested

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wirth '831.

As stated above, claim 1 has been treated as the sub-combination of the mitt.

The patent to Wirth discloses the invention as is claimed, including a sheepskin cover (10) that can be removably placed over motor vehicle wash brushes/sponges to reduce harm to the vehicle finish. Hook and loop fastening strips (20,21) are used to secure the cover to the brush/sponge.

Claims 1, 2, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB patent '824.

As stated above, claim 1 has been treated as the sub-combination of the mitt.

Furthermore, the GB patent does disclose a cover for a brush. Defining the brush as a "vehicle wash brush" does not define any structure not disclosed by the GB patent. In other words, the brush of the GB patent could be used to wash a vehicle. Nothing would prevent such.

The GB patent discloses the invention as is claimed. Note figures 2, 3 and 6 which show a cover for brooms, brushes or hands. Said cover includes an elastic material enclosed in a hem around an aperture to receiving the broom.

With respect to claim 9, the device of the GB patent could considered a self-service vehicle wash. No structure has been set forth that defines over the GB patent. In other words, one could pick up the structure shown in figure 6 of the GB patent and proceed to clean a vehicle. Thus, the structure shown in figure 6 of the GB patent is fairly considered to be a self-service vehicle wash.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB patent '824 in view of Peterson '606.

The GB patent discloses all of the above with the exception of the elastic cording (a) sewn in the hem being in the form of an elastic sheet sewn around the edge of the opening.

The patent to Peterson discloses a mop cover (fig.1) for fitting over the foot of a user to clean floors. The cover can include an elastic tape or sheet (22) sewn about the opening of the cover.

It would have been obvious to one of skill in the art to provide the elastic for the cover of the GB patent in the form of an elastic sheet sewn about the opening, instead of elastic cording sewn into the hem, as clearly disclosed by Peterson, as an art recognized equivalent elastic means. Both elastic piping or sheet material sewn about the edge of openings and elastic cording material sewn into the hem of openings are notoriously well known. Use of one or the other appears well with that which one of skill in the art would find obvious.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth '831.

The patent to Wirth discloses all of the above recited subject matter with the exception of the removable cover fit over a brush.

While Wirth does not disclose his cover as being fit over a brush, such appears obvious in view of the teachings of Wirth. Wirth discloses the use of vehicle washing brushes which employ bristles and are coupled with a liquid supply. Such is clearly considered to be a self-service car wash. At least in the broadest sense. Wirth also discloses that such brushes can harm a vehicle finish. Wirth further discloses that his mitt is comprised of a soft material to prevent damage to a vehicle finish when provided over a sponge base that if used by itself could damage a vehicle surface. To provide the mitt of Wirth on a well known vehicle wash brush as discussed by Wirth

Art Unit: 1744

would have been obvious to one of skill in the art to provide a soft surface for the liquid supplied brush to prevent damage to a vehicle finish. One of the advantages discussed by Wirth is providing a cover with a soft surface to prevent damage to a vehicle finish that would occur otherwise without the cover. Merely providing the mitt of Wirth on a brush instead of a sponge appears obvious to one of skill in the art to provide a softer surface for vehicle cleansing.

*Response to Arguments*

Applicant's arguments filed 4 April 2003 have been fully considered but they are not persuasive.

As stated above, claim 1 appears to be directed only to the mitt, which is clearly taught by Wirth and the GB patent. Furthermore, with respect to new claims 16,17, the mitt of Wirth could be used with any supporting structure so desired, especially a well known liquid supplied brush as suggested by Wirth.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

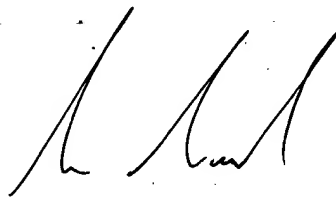
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 703-308-1270. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'GK Graham', is positioned above the printed name.

Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
June 15, 2003